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**PATENT**  
**Atty. Docket No. 28944/40098**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Romier et al.

Serial No: 10/824,880

Filed: April 15, 2004

Title: Method and Apparatus for Laying  
Hot Blacktop Paving Material

Group Art Unit: 3671

Examiner: Raymond W. Addie

Certificate of Mailing

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

August 26, 2005

J. William Frank, III

Reg. No. 25,626

Attorney for Applicant(s)

**PETITION UNDER 37 C.F.R. 1.137(b) FOR REVIVAL  
OF UNINTENTIONALLY ABANDONED PATENT APPLICATION**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant(s) petition for revival of the above-identified application which became unintentionally abandoned on August 22, 2005 because of a failure to respond to the office action of February 22, 2005. The response, including the request for a three month extension of time, is attached to this petition.


The entire delay in filing the required reply from the due date for a reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional. This petition is being filed within one year of the date of abandonment.

Enclosed herewith is Form PTO-2038 for authorization of the petition fee in the amount of \$ 1,500.00. Please charge our Deposit Account No. 50-1903 for any additional

fee required, or if the above mentioned check is missing or is of an insufficient amount. Any overpayment should be refunded to McCracken & Frank LLP at the address below.

Respectfully submitted,

McCracken & Frank LLP  
200 West Adams Street  
Suite 2150  
Chicago, Illinois 60606  
(312) 263-4700  
Customer No: 29471

By:   
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J. William Frank III  
Reg. No: 25,626

August 26, 2005